

August 3, 2006

Amy Lynn Anderson
5621 Whiteford Road
Sylvania, OH 43560

Re: St. Vincent Mercy Medical Center
Case No. 8-RD-2056

Dear Ms. Anderson:

In the above-captioned case, you filed a petition seeking decertification of the certified collective bargaining representative under Section 9 of the National Labor Relations Act. It has been carefully investigated and considered.

The investigation revealed that the petition you filed is not supported by 30% of the employees in the unit. Accordingly, the petition is dismissed.

Although the petition is dismissed, it is subject to reinstatement but only if it is determined with finality that allegations of Union misconduct alleged in Case No. 8-CB-10592, currently under investigation, not only are meritorious, but that any such unlawful conduct by the Union prevented the Petitioner from obtaining the necessary number of signatures prior to July 26, 2006.¹ (Petitioner will be served with a copy of any document which definitively disposes of the charge in Case No. 8-CB-10592 and must request consideration of reinstatement, along with any supporting argument, within 30 days of such service.)

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefor with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. **The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on August 17, 2006** Upon good cause shown,

¹ I am aware that the Petitioner and its representative were initially informed by the Board Agent that the time to submit additional signatures could be extended beyond July 26, 2006. This information was incorrect. As clearly stated in Section 101.17 of the Boards Statements of Procedure:

“...in the case of a petition to decertify a certified or recognized bargaining agent, the petitioner must supply, within 48 hours after filing but **in no event later than the last day on which the petition might timely be filed**, evidence of representation.” (emphasis supplied).

While unfortunate, the fact that you were misinformed by the Board Agent does not make it possible to disregard the plain language of Section 101.17.

however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail.

Very truly yours,

Frederick J. Calatrello
Regional Director

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FJC:cjc

cc: Executive Secretary
National Labor Relations Board
Washington DC 20570

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